

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JULIE CHRISLEY, Individually and
as Majority Owner of CHRISLEY
ASSET MANAGEMENT, LLC,

Plaintiff,

v.

MARK BRADDOCK, ALINA CLERIE,
KEY ASSET SOLUTIONS, LLC, and
ARC AUTO BROKERS, LLC,

Defendants.

CIVIL ACTION FILE
NO: 1:12-CV-03524-CAP

KIMBERLY A. CHILDS' REPLY MEMORANDUM OF LAW IN
SUPPORT OF HER AMENDED MOTION FOR SANCTIONS AGAINST
JULIE CHRISLEY

COMES NOW, Kimberly A. Childs ("Childs"), a former Defendant in the above-styled action and files this, her Reply Memorandum of Law in Support of her Amended Motion for Sanctions against Plaintiff Julie Chrisley ("Plaintiff" or "Chrisley") and her attorney Robert T. Thompson, Jr.¹ and Thompson Law Group, LLC (collectively referred to as "TLG") pursuant to Federal Rule of Civil

¹ Childs already file a Reply Brief in support of her Motion for Sanctions against Thompson Law Group, LLC and Robert T. Thompson, Jr. This Reply Brief is responsive to the Supplemental Response by Plaintiff Julie Chrisley.

Procedure 11(c) for failure to comply with Rule 11(b), showing this Honorable Court as follows:

Sanctions are appropriate against Julie Chrisley in this case. Rule 11 allows for recovery against the party for violations of Rule 11(b) (1) and/or (3). Specifically, Federal Rule of Civil Procedure 11(b) states:

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Mrs. Chrisley is taking the position that her attorney is responsible for the Rule 11 violations, however, Mrs. Chrisley overlooks the violations of Rule 11(b)(1) and/or (3), for which she shares responsibility. According to TLG in its brief, Mrs. Chrisley revealed information and facts to her attorneys upon which the lawsuit was based. As we informed the Court in our Amended Motion for Sanctions, Mrs. Chrisley has been untruthful in connection with the parallel lawsuits and specifically in connection with the same wire transfer that served as the basis of this lawsuit. Mrs. Chrisley's first attorneys in this case, TLG, discovered that Mrs. Chrisley was untruthful and reported her untruthful testimony to the Fulton County Court.

Interestingly, in her defense, Mrs. Chrisley failed to present any evidence that she disagreed with her attorneys' course of conduct or that she objected to said

course of conduct until she hired new counsel in December 2012. Until that time, so long as TLG represented Mrs. Chrisley, they had the authority to bind her. See O.C.G.A. § 15-19-5. To the extent Plaintiff provided any evidence of divergence of strategy with Mr. Thompson, the divergence was between Mr. Todd Chrisley (a non-party) and TLG. Further, the unsworn statements in Plaintiff's Brief in Opposition are inadmissible pursuant to O.C.G.A. § 9-14-48(a). Plaintiff's brief did not contain sworn testimony or an affidavit from Mr. Chrisley, and therefore, Mr. Chrisley's statements contained in the brief cannot be considered by the Court.

Further, contrary to what Plaintiff states in her Brief, Childs seeks sanctions against Mrs. Chrisley, Mr. Thompson and Thompson Law Group, LLC based on Rule 11(b)(1),(2) and (3)—not just “conduct and legal tactics of Robert Thompson.” TLG points the finger at the factual information Mrs. Chrisley provided as the basis of the lawsuit and now Mrs. Chrisley points the finger back at TLG without providing any affirmative evidence to exculpate herself. Therefore, an award of sanctions against both Plaintiff and TLG are appropriate.

CONCLUSION

WHEREFORE, because Plaintiff and her counsel, TLG, violated Rule 11, Childs respectfully requests that this Court GRANT this Motion and award Childs attorneys' fees and expenses pursuant to Federal Rule of Civil Procedure 11(c)(4).

Respectfully submitted this 11th day of October, 2013.

HALL BOOTH SMITH, P.C.

/s/ Crystal D. Filiberto

Rush S. Smith, Jr.

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This 11th day of October, 2013.

HALL BOOTH SMITH, P.C.

/s/ Crystal D. Filiberto

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Plaintiffs,

vs.

MARK BRADDOCK, ALINA CLERIE,
ARC AUTO BROKERS, L.L.C. and
PRIVATE PEERING POINT, L.L.C.,
d/b/a VOCALCLOUD,

Defendants.

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CERTIFICATE OF FONT

This is to certify that the within and foregoing pleading has been prepared
using Times New Roman, 14 point, font which has been approved by the Court in
L.R. 5.1C.

Respectfully submitted, this 11th day of October, 2013.

HALL BOOTH SMITH, P.C.

/s/ Crystal D. Filiberto

Rush S. Smith, Jr.

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